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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 JEROME CEASAR ALVERTO,  
11 Plaintiff,

12 v.

13 MARGARET GILBERT,  
14 Defendant.

CASE NO. 3:18-CV-05573-RJB-DWC  
ORDER

15 Plaintiff Jerome Ceasar Alvert, proceeding *pro se* and *in forma pauperis*, filed this  
16 Complaint under 42 U.S.C. § 1983. Dkt. 6. Presently before the Court are Plaintiff's Motion to  
17 Supplement the Record ("Motion to File Signature Page") (Dkt. 25); Plaintiff's Motion for  
18 Extension of Time to File the Enclosed and Updated Corrected Information ("Motion for  
19 Extension of Time") (Dkt. 31); Plaintiff's Motion to Supplement the Record ("Motion to  
20 Supplement") (Dkt. 32); and Plaintiff's Motion for Leave to File Extended Surreply ("Motion to  
21 File a Surreply") (Dkt. 33). Also pending in this matter is Defendants' Motion for Summary  
22 Judgment. Dkt. 18.

23 After considering the motions and relevant record, the Motion to File Signature Page  
24 (Dkt. 25) is granted. The Motion for Extension of Time (Dkt. 31) is granted-in-part, and the

1 Motion to Supplement (Dkt. 32) is granted. Lastly, the Motion to File a Surreply (Dkt. 33) is  
2 denied. The Clerk is directed to re-note Defendants' Motion for Summary Judgment (Dkt. 18)  
3 for consideration on May 10, 2019.

4 **I. Motion to File Signature Page (Dkt. 25)**

5 On March 18, 2019, Defendants filed the Motion for Summary Judgment. Dkt. 18. On  
6 April 2, 2019, Plaintiff filed a Response to the Motion for Summary Judgment. Dkt. 24. With the  
7 Response, Plaintiff filed a Declaration. *See id.* at pp. 24-37. On April 4, 2019, Plaintiff submitted  
8 the Motion to File Signature Page. Dkt. 25. Plaintiff maintains that he misplaced the signature  
9 page when filing the Response and seeks to add the signature page to the Declaration. *See id.*  
10 Defendants do not oppose Plaintiff's request. Dkt. 30. Accordingly, the Motion to File Signature  
11 Page (Dkt. 25) is granted. The Court will consider the signature page as part of the record when  
12 deciding Defendants' Motion for Summary Judgment.

13 **II. Motion for Extension of Time (Dkt. 31), Motion to Supplement (Dkt. 32), and**  
14 **Motion to File Surreply (Dkt. 33)**

15 On April 18, 2019, Plaintiff filed the Motion for Extension of Time. Dkt. 31. In the  
16 Motion for Extension of Time, Plaintiff requests leave of Court to file (1) supplemental pages to  
17 his Response, as set forth in the Motion to Supplement (Dkt. 32); and (2) a surreply to  
18 Defendants' Reply, as set forth in the Motion to File a Surreply (Dkt. 33). *See* Dkt. 31, p. 3. For  
19 the reasons set forth below, the Motion for Extension of Time (Dkt. 31) is granted-in-part.

20 **A. Motion to Supplement (Dkt. 32)**

21 In the Motion to Supplement, Plaintiff requests an extension of time to file amended  
22 pages to his Response to Defendants' Motion for Summary Judgment. *See* Dkt. 32; *see also* Dkt.  
23 31. Plaintiff asserts he did not receive a deposition transcript Defendants filed with the Motion  
24 for Summary Judgment until after Plaintiff filed the Response. *See* Dkt. 32. As such, Plaintiff

1 requests the Court grant him an extension of time to allow him to file amended pages to his  
2 Response to the Motion for Summary Judgment. *See id.*; *see also* Dkt. 32. Specifically, Plaintiff  
3 seeks to “supplement” pages in his Response “with corrections” by adding citations to the  
4 deposition transcript he maintains he previously could not access. Dkt. 32, pp. 1-2; *see also id.* at  
5 pp. 4-8. Defendants oppose Plaintiff’s Motion to Supplement, asserting the record does not  
6 indicate anyone deprived Plaintiff of his access to the deposition transcript. Dkt. 32, pp. 2-3.  
7 Further, Defendants argue Plaintiff’s “filings are an attempt” to get “the last word” on the  
8 Motion for Summary Judgment. *Id.* at p. 3.

9       After reviewing the record, the Court finds Plaintiff, in the Motion to Supplement, merely  
10 seeks to add deposition transcript citations to the content he already filed in the Response.  
11 *Compare* Dkt. 24, pp. 28, 30, 32, 35, and 36 *with* Dkt. 32, pp. 4-8. As Plaintiff is not altering the  
12 content of the Response, the Court finds the interests of justice require granting the Motion to  
13 Supplement. Thus, the Motion to Supplement (Dkt. 32) is granted. The Court will consider the  
14 pages submitted with the Motion to Supplement (Dkt. 32, pp. 4-8) when deciding Defendants’  
15 Motion for Summary Judgment.

16       As Plaintiff is granted leave to file amended pages into the record, the Court, in an  
17 abundance of caution, will allow Defendants to file a supplemental reply to the Motion for  
18 Summary Judgment on or before May 10, 2019.

19       B. Motion to File a Surreply (Dkt. 33)

20       Lastly, in the Motion to File a Surreply, Plaintiff requests leave of Court to file a surreply  
21 to Defendants’ Reply regarding the Motion for Summary Judgment. Dkt. 33; *see also* Dkt. 31.  
22 Plaintiff likewise seeks to file a declaration in support of the surreply. *See* Dkt. 33-2. Defendant  
23 opposes Plaintiff’s Motion to File a Surreply, contending the surreply “simply responds to  
24

1 Defendants' [R]eply" and "is not aided by 'new' information" from the deposition transcript.  
2 Dkt. 34, p. 3.

3 Pursuant to Local Rule CR 7(g)(2), surreplies are "strictly limited" to requests to strike  
4 material contained in or attached to a reply brief. "Extraneous argument or a surreply filed for  
5 any other reason will not be considered." *Id*; *see also Hernandez v. Stryker Corp.*, 2015 WL  
6 11714363, at \*2 (W.D. Wash. Mar. 13, 2015).

7 Here, Plaintiff seeks to file a surreply to respond to content contained in Defendants'  
8 Reply to the Motion for Summary Judgment. *See* Dkt. 33-1. Though Plaintiff briefly states he did  
9 not timely receive the deposition transcripts, *see* Dkt. 33-1, p. 3, the content of the surreply  
10 contains extraneous argument responding to Defendants' Reply. *See* Dkt. 33-1. Because Plaintiff  
11 does not seek to strike material contained in or attached to Defendants' Reply, Plaintiff's Motion  
12 to File a Surreply (Dkt. 33) is denied. The Court will not consider the surreply or the attached  
13 declaration when deciding Defendants' Motion for Summary Judgment.

### 14 **III. Conclusion**

15 The Motion to File Signature Page (Dkt 25) is granted. The Motion for Extension of  
16 Time (Dkt. 31) is granted-in-part. Further, the Motion to Supplement (Dkt. 32) is granted. Lastly,  
17 the Motion to File a Surreply (Dkt. 33) is denied.

18 Defendants may file a supplemental reply to the Motion for Summary Judgment on or  
19 before May 10, 2019. The Clerk is directed to re-note Defendants' Motion for Summary  
20 Judgment (Dkt. 18) for consideration on May 10, 2019.

21 Dated this 6th day of May, 2019.

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24 David W. Christel  
United States Magistrate Judge